

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

v.

MIGUEL MANSO a/k/a Colorado,

Defendant.

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**DECISION AND ORDER**

13-CR-83S

On November 25, 2014, this Court issued a Decision and Order denying a motion for reconsideration of bail by defendant Miguel Manso ("Manso"). (Dkt. No. 238.) On September 9, 2015, Manso filed a second motion for reconsideration of bail. (Dkt. No. 299.) In the pending motion, Manso raises some issues that he raised in his prior motion. Manso also raises concerns about how late the Government produced discovery pertaining to video footage from a certain pole camera. Manso alleges a violation of due process stemming from the likely duration of his detention before this case heads to trial. The Government opposes the motion in all respects. The Court held a bail review hearing on September 29, 2015.

Upon review of the motion papers and consideration of the parties' arguments, the Court finds no substantive change in Manso's situation at this time. The Court shares some of Manso's concern about discovery pertaining to the pole camera in question. According to the docket, the last deadline for voluntary discovery for any defendant was June 30, 2014. (Dkt. No. 156.) The

discovery pertaining to the pole camera appears to have been produced after that time. Nonetheless, at this time the Court is focusing most intently on the post-hearing briefing deadline of October 13, 2015. (Dkt. No. 302.) Once that deadline passes, barring any requests for extensions, the 30-day clock for consideration of all pretrial motions from all defendants will begin to run pursuant to 18 U.S.C. § 3161(h)(1)(H). After a Report and Recommendation issues, the only pretrial events left in the case will be objections and the setting of a trial date.

This close to a trial date, prudence warrants waiting to see how the trial schedule takes shape before addressing any concerns about due process and excessive detention. The Court thus denies Manso's motion but without prejudice to revisit concerns about trial scheduling and due process before Judge Skretny, after the filing of the forthcoming Report and Recommendation.

SO ORDERED.

*/s/ Hugh B. Scott*  
HONORABLE HUGH B. SCOTT  
UNITED STATES MAGISTRATE JUDGE

DATED: October 5, 2015